



W.A(MD)No.363 of 2026

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.03.2026

CORAM:

**THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR
and
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN**

**W.A(MD)No.363 of 2026
and
C.M.P(MD)No.3341 of 2026**

- 1.The Managing Director,
Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd.,
Kumbakonam.
- 2.The General Manager,
The Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd.,
Kumbakonam.
- 3.The Branch Manager,
The Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd.,
Thanjavur Town II Branch
Thanjavur.

... Appellants/Respondents

VS.

R.Kannan

... Respondent/Writ Petitioner



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PRAYER : Writ Appeal filed under Clause 15 of Letters Patent to set aside the order dated 21.11.2023 made in W.P(MD)No.25232 of 2023.

For Appellants : Mr.K.Ramaiah

For Respondent : Mr.C.K.Chandrasekhar

JUDGMENT

[Judgment of the Court was made by N.SATHISH KUMAR, J.)

Challenging the order of the learned Single Judge allowing the Writ Petition in W.P. (MD) No. 25232 of 2023, the Management of the Tamil Nadu State Transport Corporation has filed the present writ appeal.

2. The writ petition was filed by a Driver working in the Transport Corporation, seeking a direction to provide alternative light duty due to a disability incurred during his service. According to the writ petitioner, he acquired a vision disability in the year 2020 and, therefore, could not continue as a Driver. Medical certificates issued by the Rajiv Gandhi Government General Hospital, Chennai, state that he is unfit to drive. Considering Section 20(4) of the Rights of Persons with Disabilities Act, 2016, the learned Single Judge directed



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the respondents to appoint the petitioner as a Security Guard on day duty, with pay protection and all other benefits. It was further directed that the period from 04.09.2023 shall be treated as “duty period” with all attendant benefits. Challenging the same, the Transport Corporation has filed the present writ appeal.

3.It is not in dispute that the writ petitioner acquired a vision disability and was subjected to medical examination by the Medical Board constituted by the Rajiv Gandhi Government General Hospital, Chennai. Section 20(4) of the Rights of Persons with Disabilities Act, 2016 makes it clear that no Government establishment shall dismiss or reduce in rank an employee who acquires a disability during service. The provision further states that if an employee, after acquiring disability, is not suitable for the post he was holding, he shall be shifted to some other post with the same pay scale and service benefits. It also provides that if it is not possible to adjust the employee against any post, he may be kept in a supernumerary post until a suitable post is available or until he attains the age of superannuation, whichever is earlier. Therefore, the provision mandates that, in the event no post is available to accommodate such an employee, a supernumerary post must be created, and the employee shall be retained without



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any reduction in pay. In view of the above, we do not find any merit in the writ appeal, and it is liable to be dismissed.

4. Accordingly, the writ appeal is dismissed. No costs. Consequently, the connected Miscellaneous Petition is closed.

[N.S.K.,J.] [M.J.R.,J.]
17.03.2026

NCC : Yes / No
Index : Yes / No
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N.SATHISH KUMAR,J.
and
M.JOTHIRAMAN,J.

am

ORDER MADE IN
W.A(MD)No.363 of 2026

DATED : 17.03.2026